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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,549	09/23/2005	Michiharu Tanaka	Q85804	9126
65565	7590	05/21/2008	EXAMINER	
SUGHRUE-265550 2100 PENNSYLVANIA AVE. NW WASHINGTON, DC 20037-3213				HORN, ROBERT WAYNE
ART UNIT		PAPER NUMBER		
2837				
MAIL DATE		DELIVERY MODE		
05/21/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Supplemental Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/521,549	TANAKA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ROBERT W. HORN	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to printer rush 4/14/2008.
2.  The allowed claim(s) is/are 14-15, all others are cancelled. See action dated 2/28/2008.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

/Lincoln Donovan/  
SPE 2837

## **DETAILED ACTION**

### ***Supplemental Corrective Action***

#### ***Specification***

The applicant included a description of each original claim in the specification.

The applicant subsequently canceled the original claims in a preliminary amendment.

The examiner required a restriction of the claims.

The description of the cancelled claims remaining in the specification must be corrected prior to the printing of the allowed patent.

Each original claim referred to a different embodiment of the claimed invention, of which, the applicant elected the first embodiment.

## **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the specification, replace the word "claim" with the word --embodiment-- to remove the improper reference in the printed patent to the cancelled claims.

Page 10, line 8, change "claim" to --embodiment--

Page 11, line 4, change "claim" to --embodiment--

Page 12, line 1, change "claim" to --embodiment--

Page 13, line 5, change "claim" to --embodiment--

Page 14, line 8, change "claim" to --embodiment—

Page 15, line 15, change "claim" to --embodiment—

Page 16, line 16, change "claim" to --embodiment—

Page 18, line 1, change "claim" to --embodiment—

Page 18, line 12, change "claim" to --embodiment—

Page 18, line 17, change "claim" to --embodiment—

Page 19, line 3, change "claim" to --embodiment—

Page 19, line 11, change "claim" to --embodiment—

Page 19, line 20, change "claim" to --embodiment—

...

The Notice of Allowance dated 2/28/2008, is otherwise deemed correct. The changes above are made to allow the case to go to Issuance and official printing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT W. HORN whose telephone number is (571)272-8591. The examiner can normally be reached on Monday-Friday 7:00-3:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln D. Donovan can be reached on 571-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rwh  
May 19, 2008  
/Lincoln Donovan/  
Supervisory Patent Examiner, Art Unit 2837